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Attorneys for THIRD-PARTY  
 WILSON SONSINI GOODRICH & ROSATI

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

SOFTWARE RIGHTS ARCHIVE, LLC,	)	CASE NO.: CV 09-8000 4 MISC.
	)	(Case No. 2:07-CV-511 (CE) JF pending in
Plaintiff,	)	the Eastern District of Texas)
	)	
v.	)	DECLARATION OF MARK PARNES IN
	)	OPPOSITION TO MOTION TO COMPEL
GOOGLE INC., YAHOO! INC., IAC	)	BY YAHOO! INC.
SEARCH & MEDIA, INC., AOL LLC, and	)	
LYCOS, INC.,	)	Date: April 17, 2009
	)	Time: 9:00 a.m.
Defendants.	)	Courtroom: Courtroom 6, 4 <sup>th</sup> Floor
	)	Judge: Honorable Ronald M. Whyte
	)	
	)	
	)	
	)	

1 I, Mark Parnes, declare as follows:

2 1. I am Assistant General Counsel of Wilson Sonsini Goodrich & Rosati (“WSGR”)  
3 and, as such, am responsible for responding to subpoenas directed to the firm. I submit this  
4 declaration in opposition to the motion to compel by Yahoo! Inc. The facts stated in this  
5 declaration are within my personal knowledge and, if called as a witness, I could and would  
6 competently testify to the matters set forth herein.

7 2. WSGR is the custodian of client files relating to work performed by attorneys at  
8 the firm for a former client named Site Technologies, Inc.

9 3. After receipt of the subpoena that is the subject of this motion, I had several  
10 conversations with Richard Hung, counsel for Yahoo! Inc. and Lee Kaplan, counsel for Site  
11 Technologies, Inc. both individually and in joint conference calls. Mr. Hung indicated that it  
12 was his client’s position that Site Technologies, Inc. was no longer a corporate entity and that,  
13 therefore, there was no holder of the attorney-client privilege. Mr. Kaplan indicated that Site  
14 Technologies, Inc. was still in existence and that it would be asserting the attorney client  
15 privilege. I indicated to Messrs. Hung and Kaplan during these conversations that WSGR was a  
16 third party custodian that had a duty of confidentiality concerning former client files and a duty  
17 to assert the attorney client privilege but would be happy to cooperate with the parties  
18 concerning any agreement they reached concerning documents to be reviewed and produced as  
19 well as how privilege would be handled.

20 4. Thereafter Messrs. Hung, Kaplan and I discussed documents in the firm’s  
21 possession and identified a universe of documents to be reviewed by Mr. Kaplan on behalf of  
22 Site Technologies, Inc. These documents were made available for review by Mr. Kaplan.

23 5. Since the documents are client files of Site Technologies, Inc., WSGR will abide  
24 by any stipulation reached by counsel for Site Technologies, Inc. concerning documents to be  
25 produced or withheld or, in the absence of any stipulation, by ruling of this Court. At present,  
26 WSGR has received no instruction from Site Technologies, Inc. to produce any documents.

27 6. Should the Court make a determination that documents be produced, WSGR  
28 requests that any order a) narrow the subpoena to issues of apparent relevance to the instant

1 matter, i.e., based on Yahoo!'s motion, at most the transaction between Site Technologies and an  
2 entity known as Site/Technologies/Inc. (Libertech, Inc.) and the bankruptcy of Site  
3 Technologies, and b) provide for adequate time for WSGR and counsel for Site Technologies to  
4 coordinate regarding any production and protection of attorney-client privileged documents.

5 I declare under penalty of perjury that the foregoing is true and correct and that this  
6 declaration is executed in Palo Alto, California on March 26, 2009.

7  
8 /s/ Mark Parnes  
9 Mark Parnes  
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